UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,511	09/26/2003	Haruhiko Kinoshita	Q77715	8637

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EXAMINER
LUONG, ALAN H

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/670,511	KINOSHITA, HARUHIKO
	Examiner	Art Unit	
	ALAN LUONG	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 May 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-21</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☒ All   b)☐ Some *   c)☐ None of:
       1.☒ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The art unit is changed into 2623.

Response to Amendment

This Office Action is responsive to the Amendment filed on 05/ 03/ 2008.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims1, 7, 10, 14, 16, 18-19 and 21 are rejected under 35 U.S.C. 102(e) as

being anticipated by US Pub. 2002/0069107 by William B. Werner (hereinafter Werner).

Regarding to claim 1: Figs.1-2 of Werner illustrates a support server [10] that

supports a determination of a route for providing a content [44] via a communication

network [52] from a content providing terminal [Data Library 40 or 56], respectively; that

provides a content to a content user terminal [30a…30n], that is placed in a facility

[32a…or 32m] where the content is to be used(Werner, ¶0012-¶0014), comprising:

Referring to Fig. 1, Werner discloses a receiving unit [60] that receives facility condition

information that shows at least one condition to be met by a facility [32a] where the

content [44](see ¶0019) is to be used at a theater [unit 30a], from the content providing

terminal [Data Library 40] or Data source [56] via the communication network [52]

(Werner, ¶0020, ¶0024, ¶0025) and that receives a plurality of facility information

[32a...32m] from content user terminals [30a...30n], in order to allow user monitors

schedule and presentation of data on a GUI (Werner, ¶0026, ¶0030),

a storing unit [40] that stores the facility condition information and the plurality of facility

information, received by said receiving unit (Werner, ¶0024, ¶0025) and

Referring to Fig. 3; Werner also discloses a providing destination selecting unit [system

10 associated with GUI] that extracts information that specifies a facility that meets the

at least one condition shown by the facility condition information, from the plurality of

facility information stored in said storing unit [40], and selects a content user terminal

[30a], placed at the facility specified by the extracted information, as the providing

destination of the content. **(Werner, ¶0041, ¶0044-¶0049).**

Regarding to claims 7, 14: Figs.1-2 of Werner illustrates a support server [10]

that supports a determination of a route for providing of via a communication network

from a content providing terminal [56 or 40] that provides a content [44] to a content

user terminal [30a...30n] that is placed in a facility [32a] where the content is to be

used, comprising:

a receiving unit [51] in the system [10] **that receives a plurality of content**

information [44] **from content providing terminals** [56] or Data Library [40] and that

[51] receives content condition information [rate R movie] **that shows at least one**

condition to be met by a content from an advertising agent terminal [96] managed

by Library Manager [90] in Schedule [140] of system 10; may select R rated features for

later times, such as after 10:00 p.m., while restricting PG features to selected times

before 10:00 p.m. **(Werner, ¶0015, ¶0045)** and a storing unit [40] that stores the

<u>plurality</u> of content information [44] and the content condition information, received by

said receiving unit **(¶0015)**;

a providing content selecting unit [10] that extracts information <u>that specifies a content</u>

that meets the <u>at least one</u> condition shown by the content condition information from

the <u>plurality of</u> content information stored in said storing unit, and selects the content

specified by the extracted information, as the content to provide to said content user

terminal.(**Werner, ¶0045).**

    Regarding to claim 10: Werner further teaches wherein: **receiving facility**

condition information [system 10 may receive facility data that indicates a mechanical

or electrical problem with a certain theater [32a] and/or that indicates a particular data

presentation unit [30a] is undergoing maintenance or needs maintenance service] **from**

said <u>content providing terminal</u> [56]; <u>that shows</u> at least one condition <u>to be met by</u>

of-a facility [air conditioning required at theater 32a] where the content [44] is to be

used, and <u>that [32a]</u> **receives a <u>plurality of</u> facility information from content user**

terminals [30a…30n]; (Werner, ¶0026, ¶0047)

storing the facility condition information and the <u>plurality of</u> facility information

received in said receiving (¶0015);

system [10]may be **extracting information <u>that specifies a facility</u>** [theater location]

that meets the <u>at least one</u> condition [special screen for specified video format or

DTS sound] **from the plurality of facility information stored in the storing unit, and**

placed at the facility specified by the extracted information as the providing destination of the content that the advertising agent advertises. (Werner, ¶0048-¶0049).

Regarding to claim 16: A tangible computer readable medium having computer instructions for enabling a computer executing the computer instructions to perform a support method program that supports the same method in claim 1. So, claim 16 has the same ground rejection of claim 1.

Regarding to claim 18: A tangible computer readable medium having computer instructions for enabling a computer executing the computer instructions to perform a support method that supports the same method in claim 7. So, claim 18 has the same ground rejection of claim 7.

Regarding to claim 19: same limitation of claim 1, so claim 19 is rejected with the same ground rejection of claim 1.

Regarding to claim 21: same limitation of claim 7, so claim 21 is rejected with the same ground rejection of claim 7.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2- 6, 8-9, 11-13, 15, 17 and 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Werner et al.; in view of US Pub. 2007/0016488 by Jonas

Ulenas (hereinafter Ulenas).

    Regarding to claim 2: The support server according to claim 1, Referring to Fig.

2; Werner also teaches wherein: the system [10] contains Schedule and control section

[65] which includes Library [90] **requests** any data from **content providing terminal**

[56] which sends the **advertisement of the content [42] (see ¶0021**) through [55] to

receiving unit Router [51] **that receives a plurality** of advertising information **from**

advertising agent terminals [96] managed by Library manager [90] of schedule [140]

in order to allow user to access on GUI or at [30a].(**Werner, ¶0007, ¶0031-¶0036).**

 However, Werner is silent to "advertising agent condition information that shows-at

least one condition to be met by an advertising agent from which to request

advertisement of the content from said content providing terminal is to be requested,

advertising agents that advertise contents said advertising agent information showing

an advertisement ability of the advertising agents,

a storing unit stores the advertising agent condition information and the plurality of

advertising agent information and

said support server further comprises an advertising agent selecting unit that extracts

information that specifies an advertising agent that meets the at least one condition

shown by the advertising agent condition information, from the plurality of advertising

agent information stored in the storing unit, and selects the advertising agent specified

by the extracted information, as the advertising agent from which advertisement of the

content is to be requested.

In an analogous art directed toward a similar problem namely improving the results from

advertisement agent condition information. Referring to Fig. 1, Ulenas discloses

wherein: said receiving unit [120] receives user's request to search a service or product

including **advertising agent condition information** as a targeted advertising

information in [134] **that shows at least one condition to be met by an advertising**

agent from an Advertiser's website **from which to request advertisement of the**

content from said content providing terminal is to be requested, and provides

advertising agents that advertise contents said advertising agent information showing

an advertisement ability of the advertising agents, **(Ulenas, ¶0010, ¶0014, ¶0026,**

¶0030-¶0033).

An Advertiser's website contains **a storing unit** [134] **stores the advertising agent**

condition information and the plurality of advertising agent information and

the support server further comprises Referring to Fig. 4, **an advertising agent**

selecting unit [440] (see ¶0034) that extracts information from [420] **that specifies**

an advertising agent that meets the at least one condition shown by the

advertising agent condition information be determined by IPD [410], **from the**

plurality of advertising agent information stored in the storing unit [134], and

selects the advertising agent specified by the extracted information, as the

advertising agent from which advertisement of the content is to be requested.

(Ulenas, ¶0034-¶0039). Therefore, it would have been obvious to a person with

ordinary skill in the art , at the time of the invention was made to modify the support

server of Werner with advertisement agent information as taught by Ulenas in order to

provide a system and technique for delivering targeted advertising information and

provide a consumer with the option to select products and/or services by specifying and

ranking parameters and requesting certain discrete attributes over a network. **(Ulenas,**

¶0013-¶0014).

> **Regarding to claims 3, 6, 9 :** The support server according to claim 2, Werner

also discloses wherein said content is film data used for running a film. (Werner, ¶0007,

¶0021, ¶0022).

> **Regarding to claim 4:** Figs.1-2 of Werner illustrates a support server [10] that

supports a determination of a route for providing of via a communication network from a

content providing terminal [56 or 40] that provides a content [44] to a content user

terminal [30a…30n] that is placed in a facility [32a] where the content is to be used,

comprising:

a receiving unit [51] in the system [10] **that receives <u>a plurality of</u> content**

information [44] **from content providing terminals** as data source[56], external

systems [58] or Data Library [40] and that [51] <u>**receives** **content condition**</u>

information [example as rate R movie] **that shows at least <u>one condition to be met**

<u>by</u> a content from an advertising agent terminal [96] managed by Library Manager

[90] in Schedule [140] of system 10 may select R rated features for later times, such as

after 10:00 p.m., while restricting PG features to selected times before 10:00 p.m.

(Werner, ¶0015, ¶0045) and a storing unit [40] that stores the <u>plurality</u> of content

information [44] and the content condition information, received by said receiving unit

(¶0015); However, Werner is silent to "an advertising target of an <u>advertising</u> agent, an

advertisement target content selecting unit that extracts content information that

<u>specifies a content that</u> meets the <u>at least one</u> condition shown by the content condition

information; from the <u>plurality</u> of content information stored in said storing unit, and

selects the content specified by the extracted information; as the content to be

advertised by the advertising agent.

In an analogous art directed toward a similar problem namely improving the results from

an advertisement target content selecting unit. Referring to Fig. 1, Ulenas discloses

wherein: said receiving unit [120] receives user's request to search a service or product

including an advertising target of an <u>advertising</u> agent as a targeted advertising

information in [134] from an Advertiser's website and provides advertising agents that

advertise contents said advertising agent information showing an advertisement ability

of the advertising agents, **(Ulenas, ¶0010, ¶0014, ¶0026, ¶0030-¶0033).**

An Advertiser's website contains **a storing unit** [134] **stores the advertising agent**

condition information and the plurality <u>of</u> advertising agent information and

the support server further comprises Referring to Fig. 4, **an advertising agent**

selecting unit [440] (see ¶0034) that extracts content information from [420] **that**

<u>specifies a content that</u> meets the <u>at least one</u> condition shown by the content

condition information be determined by IPD [410], **from the <u>plurality of</u> content**

information stored in the storing unit [134], and selects the content specified by

the extracted information, as the content to be advertised by the advertising

agent. (Ulenas, ¶0034-¶0039). Therefore, it would have been obvious to a person with ordinary skill in the art, at the time of the invention was made to modify the support server of Werner with targeted advertisement content as taught by Ulenas in order to provide a system and technique for delivering targeted advertising information and provide a consumer with the option to select products and/or services by specifying and ranking parameters and requesting certain discrete attributes over a network. **(Ulenas, ¶0013-¶0014).**

 Regarding to claim 5: The support server according to claim 4, Werner further teaches wherein: **said receiving unit receives facility condition information** [system 10 may receive facility data that indicates a mechanical or electrical problem with a certain theater [32a] and/or that indicates a particular data presentation unit [30a] is undergoing maintenance or needs maintenance service] **from said advertising agent terminal** [96]; <u>that shows</u> **at least one condition** <u>to be met by</u> of-a **facility** [air conditioning required at theater 32a] **where the advertised content [42] is to be used**, and <u>that [32a] receives a plurality of</u> facility information from content user terminals [30a...30n]; **(Werner, ¶0026, ¶0047)**

said storing unit stores the facility condition information and the <u>plurality of</u> facility information, which said receiving unit received as rejection in claim 4; and

said support server further comprises a providing destination selecting unit [system 10], **that extracts information** <u>that specifies a facility</u> [theater location] **that meets the** <u>at least one</u> **condition** [special screen for specified video format or DTS sound] **shown by the facility condition information from the plurality of facility**

information stored in the storing unit, and selects a content user terminal placed at the facility specified by the extracted information as the providing destination of the content that the advertising agent advertises. (Werner, ¶0048-¶0049)

Regarding to claim 8: The support server according to claim 7, Referring to Fig. 2; Werner also teaches wherein: the system [10] contains Schedule and control section [65] which includes Library [90] **requests** any data from **said content user terminal [30] is connected with Data Library [40]** which sends the **advertisement of the content [42] (see ¶0020)** through [50] to **receiving unit** [60] <u>that receives a plurality of</u> advertising information **from advertising agent terminals [96] managed** by Library manager [90] of schedule [140] in order to allow user to access on GUI or at [30a].(**Werner, ¶0007, ¶0031-¶0036).**

However, Werner is silent to "advertising agent condition information that shows-at least one condition <u>to be met by</u> an advertising agent <u>from which</u> to request advertisement of the content <u>from said</u> content user terminal is <u>to be requested,</u> advertising agents that advertise contents said advertising agent information showing an advertisement ability of the advertising agents, a storing unit stores the advertising agent condition information and the plurality <u>of</u> advertising agent information and said support server further comprises an advertising agent selecting unit that extracts information <u>that specifies an advertising agent</u> that meets the at least one condition shown by the advertising agent condition information, from the <u>plurality of</u> advertising agent information stored in the storing unit, and selects the advertising agent specified by the

extracted information, as the advertising agent from which advertisement of the content

is to be requested.

In an analogous art directed toward a similar problem namely improving the results from

advertisement agent condition information. Referring to Fig. 1, Ulenas discloses

wherein: said receiving unit [120] receives user's request to search a service or product

including **advertising agent condition information** as a targeted advertising

information in [134] **that shows-at least one condition to be met by an advertising**

agent from an Advertiser's website **from which to request advertisement of the**

content from said content user terminal is to be requested, and provides

advertising agents that advertise contents said advertising agent information showing

an advertisement ability of the advertising agents, **(Ulenas, ¶0010, ¶0014, ¶0026,**

¶0030-¶0033).

An Advertiser's website contains **a storing unit** [134] **stores the advertising agent**

condition information and the plurality of advertising agent information and

the support server further comprises Referring to Fig. 4, an advertising agent selecting

unit [440] (see ¶0034) that extracts information from [420] that specifies an advertising

agent that meets the at least one condition shown by the advertising agent condition

information be determined by IPD [410], from the plurality of advertising agent

information stored in the storing unit [134], and selects the advertising agent specified

by the extracted information, as the advertising agent from which advertisement of the

content is to be requested. (Ulenas, ¶0034-¶0039). Therefore, it would have been

obvious to a person with ordinary skill in the art , at the time of the invention was made

to modify the support server of Werner with advertisement agent information as taught

by Ulenas in order to

provide a system and technique for delivering targeted advertising information and

provide a consumer with the option to select products and/or services by specifying and

ranking parameters and requesting certain discrete attributes over a network. (Ulenas,

¶0013-¶0014).

Regarding to claim 11: same limitation of claim 2, so claim 11 is rejected with the

same ground rejection of claim 2.

Regarding to claim 12: same limitation of claim 4, so claim 12 is rejected with the

same ground rejection of claim 4..

Regarding to claim 13: same limitation of claim 5, so claim 13 is rejected with the

same ground rejection of claim 5..

Regarding to claim 15: same limitation of claim 8, so claim 15 is rejected with the

same ground rejection of claim 8..

Regarding to claim 17: A tangible computer readable medium having computer

instructions for enabling a computer executing the computer instructions to perform a

support method that supports the same method in claim 4. So, claim 17 has the same

ground rejection of claim 4.

Regarding to claim 20: same limitation of claim 4, so claim 20 is rejected with the

same ground rejection of claim 4.

Response to Arguments

5.   Applicant's arguments see Remarks page 17-21, filed May 01, 2008, with respect

to the rejection(s) of claim(s) 1-18 under Stern, Werner and Son have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of

Werner and Ulenas.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALAN LUONG whose telephone number is (571)270-

5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623